

ADMINISTRATIVE RULES

TITLE 12  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Subtitle 4  
Wage Standards Division

**CHAPTER 20**  
WAGE AND HOUR

**Subchapter 4 Employment of Student-Workers**

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**SUBCHAPTER 4**

**EMPLOYMENT OF STUDENT-WORKERS**

**Historical Note:** Subchapter 4, chapter 20 of title 12 is based substantially upon "Regulation XXVII, Relating to Employment of Student-Workers" of the Department of Labor and Industrial Relations. [Eff. 9/4/62; am 1/1/64; am 9/1/69; R Oct. 2, 1981]

**§12-20-81 Definitions.** As used in this subchapter:

"Attending . . . school" means all of that period commencing with the first day the individual is required to attend classes at the school and ending with the day all of the courses or subjects of study for which the individual has registered for the term, semester, or school year, as the case may be, are completed or terminated, or the individual's status as a student is terminated.

"Full-time student" means an individual who has not attained the age of nineteen and who is considered a regular full-time student by the school at which the individual is enrolled or registered.

"Part-time employee" means an individual who works less than the customary full-time hours worked by a regular full-time employee of the establishment, plant, factory, or other premises at which the individual is employed, and, except as otherwise provided herein, whose hours of work at the establishment, plant, factory, or other premises at which the individual is employed do not exceed:

- (1) Four hours on a school day;
- (2) Eight hours on a Saturday, Sunday, or on a holiday observed by the school at which the individual is a student; and
- (3) Twenty-five hours in a workweek.

Any provision to the contrary notwithstanding, an individual shall be deemed a "part-time employee" during Christmas and Spring vacations observed by the school at which that individual is a student if during those vacations the individual's hours of work performed for any one employer do not exceed eight hours in a day and forty hours in a workweek.

"Student-worker" means a part-time employee who is a full-time student attending a public or private school other than a college, university, business school, or technical school. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

**§12-20-82 Application for certificate.** (a) Application for the employment of student-workers under special certificates authorizing employment at wages lower than the minimum wage applicable under section 387-2, Hawaii Revised Statutes, shall be made by the employer on forms furnished by the department. The application must be complete and be signed by the employer, the student-worker, and a parent or guardian of the student-worker.

(b) The employer shall also obtain a statement from the principal or an authorized official of the school that the student-worker is a full-time day student of that school, and the statement shall be presented to the director with the application for a special certificate. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

**§12-20-83 Issuance of certificate.** Upon the receipt of an application for the employment of a student-worker, the director may issue a special certificate to the employer under the following terms and conditions:

- (1) The special minimum wage shall be not less than eighty-five percent of the minimum wage under section 387-2, Hawaii Revised Statutes, or as the same may be amended from time to time;
- (2) Hours or other conditions of employment are not detrimental to the health, safety, or morals of the student-worker;

- (3) The special certificate shall be valid under the terms set forth in the certificate for a period of not more than twelve months from the date of issue as specified in the certificate; and
- (4) The employer shall keep the special certificate on file while the student-worker is employed, and upon termination of employment, the certificate shall be returned to the director. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

**§12-20-84 Record keeping requirements.** In addition to records required by section 12-20-8 and by chapter 387, Hawaii Revised Statutes, the employer's records shall identify each student-worker. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

**§12-20-85 Revocation and cancellation.** Any special certificate may be revoked or cancelled for cause at any time by the director after affording all interested parties an opportunity for a hearing. Cause shall mean violation of this subchapter or any provision of chapters 387 or 388, Hawaii Revised Statutes, or a finding by the director that the hours or other conditions of employment are detrimental to the health, safety, or morals of the student-worker. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

**§12-20-86 Reconsideration.** (a) Any person aggrieved by the director's action in denying, granting, or revoking a special student-worker certificate, within ten days after that action, may file a written request for reconsideration by the director.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to offer that evidence prior to the director's action. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

**§§12-20-87 to 12-20-90 (Reserved)**

**Nothing in Chapter 387, HRS, and above related Administrative Rules shall be construed to supersede any provision of Chapter 390, HRS, Child Labor Law and related Administrative Rules that may provide greater protections and requirements.**